

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

MELANIE BASS

PLAINTIFF

V.

CIVIL ACTION NO.1:06CV34 LTS-RHW

DAVID CANONICI and  
STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**MEMORANDUM OPINION and ORDER**

The Court has before it the motion [78] of Defendant State Farm Fire and Casualty Company (State Farm) To Change Venue and for an evidentiary hearing on that motion.

State Farm's motion for a change of venue is based upon its contention that a fair and impartial jury cannot be drawn from the pool of jurors available in this division. State Farm asserts that the publicity surrounding the issues to be tried is so pervasive that the selection of a fair and impartial jury is not possible. Based on my having conducted a voir dire examination of the individuals called for jury duty in *Broussard v. State Farm Fire and Casualty Company*, Civil Action No. 1:06cv006, I have determined that a fair and impartial jury can be drawn from the pool of jurors available in this district. I am sensitive to the issues State Farm has raised, and I will conduct the voir dire examination of the potential jurors in this case with attention to the concerns that underlie State Farm's motion. I do not believe, however, that a change of venue is necessary to assure a fair trial in this action.

Upon request, I will grant leave to State Farm's representatives during the trial to make an appropriate record of any additional information relevant to their motion for change of venue should subsequent events make it just to do so.

Accordingly, it is

**ORDERED**

That the motion [78] of State Farm Fire and Casualty Company To Change the Venue of this action and for an evidentiary hearing is hereby **DENIED**, without prejudice to its right to seek leave of Court to supplement its objection to venue if events occurring subsequent to the filing of this motion [28] justify such a supplementation;

**SO ORDERED** this 12<sup>th</sup> day of February, 2007.

*s/ L. T. Senter, Jr.*

L. T. Senter, Jr.  
Senior Judge